

UNITED STATES DISTRICT COURT

for the
Middle District of North Carolina

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

A Micro PCS ZTE cellular telephone
that is in the possession of the Federal Bureau of Investigation.

Case No.

1:17mj136

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

A Micro PCS ZTE cellular telephone that is in the possession of the Federal Bureau of Investigation.

located in the Middle District of North Carolina, there is now concealed (identify the person or describe the property to be seized):

SEE ATTACHMENT A.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 U.S.C. 1591(a)(1),(b)(2), (c) and 2
18 U.S.C. 2251(a)

Offense Description
Sex Trafficking of Minors, including attempt and aiding and abetting
Production of Child Pornography

The application is based on these facts:

Please see the attached affidavit.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of days (give exact ending date if more than 30 days:) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

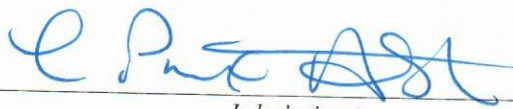
FBI Special Agent Tara S. Cataldo

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/17/17

City and state: Greensboro, North Carolina



Judge's signature

L. Patrick Auld, United States Magistrate Judge

Printed name and title

ATTACHMENT A

Property to be seized

1. This warrant authorizes the seizure and search of the cellphone, a Micro PCS ZTE cellphone with a broken screen (the “TARGET PHONE”).

2. This warrant authorizes the seizure and search of the contents of the TARGET PHONE, for the records and information described below:

(a) Any and all communications between the cellphone and Joffee Cutler;

(b) Any and all communications between the cellphone and any contact requesting a meeting with Jane Doe¹ or information about meeting Jane Doe;

(c) Any and all communications between the cellphone and any contact requesting photographs or videos of Jane Doe;

¹ “Jane Doe” is a female minor known to law enforcement, and any law enforcement officer involved in the execution of this warrant would have access to Jane Doe’s identifying information.

- (d) Any records and information concerning Jane Doe and/or Joffee Cutler and Google Wallet;
- (e) Any and all communications in Kik Messenger, MeetMe.com, Snapchat, Instagram, and Facebook and other social media utilized by Jane Doe;
- (f) Any and all GPS records documenting the location of the cellphone; and
- (g) Any depictions of child pornography, whether residing on the cellphone, in the gallery, or in any application on the cellphone.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN THE MATTER OF THE
SEARCH OF AN MICRO PCS ZTE
CELLPHONE THAT IS IN THE
POSSESSION OF THE FEDERAL
BUREAU OF INVESTIGATION

Case No. 1:17mj136

**AFFIDAVIT IN SUPPORT OF AN
APPLICATION UNDER RULE 41
FOR A WARRANT TO SEARCH A
CELLPHONE**

I, Tara Cataldo, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search a MICRO PCS ZTE CELLPHONE THAT IS IN THE POSSESSION OF THE FEDERAL BUREAU OF INVESTIGATION (the "TARGET PHONE") for the things described in Attachment A.

2. I am a Special Agent of the Federal Bureau of Investigation ("FBI"), and have been since March of 2008. My initial training consisted of a

twenty week FBI new agent course during which I received instruction on various aspects of federal investigations, ranging from economic espionage and child pornography, to kidnapping and computer intrusions. In addition, I have received more than 350 hours of training related to computers and cyber matters, to include investigations of cybercrime. I am currently assigned to the Charlotte Division and stationed at the Greensboro Resident Agency. Prior to joining the FBI, I worked in law enforcement for over eight years as a police officer and sheriff's investigator. I have been the case agent or supporting agent in numerous investigations, including investigations involving violent crimes and sex trafficking. Moreover, I am a federal law enforcement officer who is engaged in enforcing the criminal laws, including Sex Trafficking of Minors, 18 U.S.C. § 1591 (a)(1),(b)(2),(c) and 2 (including attempting and aiding and abetting), and Production of Child Pornography, 18 U.S.C. § 2251(a), and other violations of Title 18 of the United States Code. In this context, I am authorized by the Attorney General to request a search warrant.

3. The information in this affidavit is based on my personal knowledge as well as the accounts of investigating FBI agents as well as other law enforcement officers.

4. This affidavit is intended to show that there is sufficient probable cause for the requested warrant. It neither sets forth all of my knowledge about this matter, nor describes every fact known to the government in connection with this investigation.

PROBABLE CAUSE

5. I further submit, respectfully, that there is probable cause to search the TARGET PHONE for the evidence described in Attachment A. On May 4, 2017, I received a notification of a missing child, hereinafter known as "Jane Doe", age 15 years old, from Winston-Salem, North Carolina. Forsyth County Sheriff's Office requested the assistance of the FBI in locating the juvenile, as she was considered missing endangered due to the fact that she was last seen with two adult men leaving the area. The Forsyth County Sheriff's Office has documented that Jane Doe has run away from home approximately 19 times in the past two years.

6. The following information was discovered during previous cases initiated by Forsyth County Sheriff's Office while investigating runaway reports of Jane Doe:

- a. On March 16, 2017, while Forsyth County Sheriff's Office was investigating Jane Doe again for running away from home, Lauren

Bottoms, Jane Doe's sister, was interviewed. Lauren Bottoms stated that Jane Doe met a man whom Lauren Bottoms thought was named "Jaffee" with a possible last name of Colbert. Lauren Bottoms said "Jaffee" is a black male between the ages of 33 and 36.

- b. On March 16, 2017, Lauren Bottoms said Jane Doe is on the site "MeetMe.com", and has offered to have sexual relations with men if they give her food or marijuana. Lauren Bottoms said that Jane Doe was going by the name "Deborah" on the "MeetMe.com" site. Both Vickie and Lauren Bottoms said Jane Doe uses multiple apps to communicate via social media, including Kik Messenger, Facebook Messenger, and Instagram.
- c. On May 2, 2017, Jane Doe was found in the company of Joffee Lee Cutler, DOB: 11/28/96. Jane Doe was interviewed, and she admitted to having sexual intercourse with Joffee Cutler. Jane Doe also stated that the two of them made money by selling online access to posts on Snapchat consisting of nude photographs of Jane Doe and videos of Jane Doe and Joffee Cutler having sexual intercourse. Jane Doe said Joffee Cutler's cell phone was used to

take those pictures and videos. She further stated that people would pay to see the images or videos by putting money into a Google Wallet account which Joffee Cutler maintained. Jane Doe also stated that Joffee Cutler would use his phone to set up the appointments for potential clients who paid for sexual acts with Jane Doe. This same phone was used to film these encounters. This cellphone belonging to Joffee Cutler was seized by Forsyth County Sheriff's Office.

- d. On May 3, 2017, Jane Doe ran away from home again. Lauren Bottoms reported Jane Doe left in a car with two men. Forsyth County Sheriff's Office initiated another investigation.
- e. On May 4, 2017, Forsyth County Sheriff's Office interviewed Vickie Bottoms, Jane Doe's adoptive mother. She turned over Jane Doe's cellphone, the TARGET PHONE, which was unable to be accessed due to a broken touch-screen.
- f. On May 5, 2017, Jane Doe was again found in the company of Joffee Cutler in Sanford, North Carolina. Joffee Cutler was arrested and charged with Statutory Rape of a Person who is 13,

14, or 15, as well as Kidnapping First Degree of a Person under age 16.

7. On May 5, 2017, Forsyth County Sheriff's Office requested the assistance of the Federal Bureau of Investigation in order to access the TARGET PHONE due to the TARGET PHONE having a broken touch-screen. Your affiant obtained the TARGET PHONE from Forsyth County Sheriff's Office and have secured it as evidence at the Federal Bureau of Investigation office in Greensboro, North Carolina. No serial number or cellphone number is visible or known for the TARGET PHONE at this time.

THE TARGET PHONE

8. Based on the foregoing, I respectfully submit that there is probable cause to believe that the TARGET PHONE will contain evidence of the above-described offenses. Jane Doe's cellphone has multiple social media apps, and it may contain content related to sex trafficking of minors and production of child pornography. According to Jane Doe, evidence exists on Joffee Cutler's cell phone of the sex trafficking of Jane Doe; therefore, evidence may also exist on Jane Doe's cell phone including texts and social media communications. Moreover, discussions via text messaging or social media may be found documenting the relationship between Jane Doe and Joffee Cutler.

TECHNICAL BACKGROUND

9. The TARGET PHONE is a cellphone which is capable of sending and receiving text messages. Based on my experience with the current state of technology for cellphones, THE TARGET PHONE is a smartphone.

10. Based on my training and experience, I know that it is common for people to consume social media using smartphones such as the TARGET PHONE, including Kik Messenger, MeetMe.com, Snapchat, Instagram, and Facebook, which are applications that Jane Doe is known to utilize. I also know that smartphones such as the TARGET PHONE commonly retain evidence concerning the user's internet browsing history and social media history, as well as evidence of other relevant communications, such as text messages or other messages that can be used to distribute multimedia.

11. Based on my training, experience, and research, I know that a cellphone, such as the TARGET PHONE, can be used for voice and data communication through radio signals. Such cellphones send signals through networks of transmitter/receivers, enabling communication with other wireless telephones or traditional "land line" telephones. A cellphone usually contains a "call log," which records the telephone number, date, and time of

calls made to and from the phone. In addition to enabling voice communications, cellphones offer a broad range of capabilities. These capabilities include storing names and phone numbers in electronic "address books;" sending, receiving, and storing text messages and e-mail; taking, sending, receiving, and storing still photographs and moving video; storing and playing back audio files; storing dates, appointments, and other information on personal calendars; and accessing and downloading information from the Internet, through web browsers, social media applications, and other methods. Cellphones may also include global positioning system ("GPS") technology for determining the location of the device, and many cellphones include word processing programs and other applications that, historically, have been associated with desktop or laptop computers.

12. In my training and experience, examining data stored on devices of this type can uncover, among other things, evidence that reveals or suggests who possessed or used the device, the content of communications between the owner and others, information about the web browsing and social media use of the owner, and a vast majority of other information concerning the movements, intentions, plans and knowledge of the cellphone owner and those in communication with the cellphone owner.

13. Moreover, based on my knowledge, training, and experience, I know that electronic devices can store information for long periods of time. Similarly, things that have been viewed via the Internet are typically stored for some period of time on the device. This information can sometimes be recovered with forensics tools.

14. As further described in Attachment A, this application seeks permission to locate not only electronically stored information that might serve as direct evidence of the crimes described on the warrant, but also forensic evidence that establishes how the TARGET PHONE was used, the purpose of its use, who used it, and when. There is probable cause to believe that this forensic electronic evidence might be on the TARGET PHONE because:

- a. Data on the storage medium can provide evidence of a file that was once on the storage medium but has since been deleted or edited, or of a deleted portion of a file (such as a paragraph that has been deleted from a word processing file).
- b. Forensic evidence on a device can also indicate who has used or controlled the device. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence.

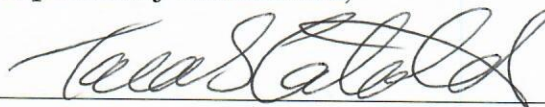
- c. A person with appropriate familiarity with how an electronic device works may, after examining this forensic evidence in its proper context, be able to draw conclusions about how electronic devices were used, the purpose of their use, who used them, and when.
- d. The process of identifying the exact electronically stored information on a storage medium that are necessary to draw an accurate conclusion is a dynamic process. Electronic evidence is not always data that can be merely reviewed by a review team and passed along to investigators. Whether data stored on a computer is evidence may depend on other information stored on the computer and the application of knowledge about how a computer behaves. Therefore, contextual information necessary to understand other evidence also falls within the scope of the warrant.
- e. Further, in finding evidence of how a device was used, the purpose of its use, who used it, and when, sometimes it is necessary to establish that a particular thing is not present on a storage medium.

15. Based on the foregoing, the warrant I am applying for would permit the seizure of the TARGET PHONE described in Attachment A, and the examination of the TARGET PHONE, consistent with the warrant. The examination may require authorities to employ techniques, including but not limited to computer-assisted scans of the entire medium, that might expose many parts of the TARGET PHONE to human inspection in order to determine whether it is evidence described by the warrant.

CONCLUSION

16. I submit that this affidavit supports probable cause for a warrant to search the TARGET PHONE and seize the items described in Attachment A.

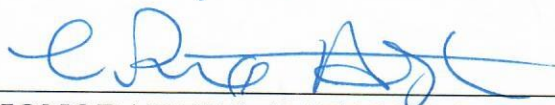
Respectfully submitted,



Tara S. Cataldo
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me

On May 17, 2017 :



HONORABLE L. PATRICK AULD
UNITED STATES MAGISTRATE JUDGE